

1	3 to 11:30; is that right?	10:25:09AM
2	A. Yes.	
3	Q. Was there also an editor on staff at the time?	10:25:16AM
4	A. Generally there was one editor, but toward the	10:25:21AM
5	end of the evenings, that's part of the reason the job was	10:25:25AM
6	so awful, toward the end of the evening, the editor goes	10:25:29AM
7	home and you are the reporter and the editor.	10:25:32AM
8	Q. What time does the editor go home?	10:25:35AM
9	A. Oh, I think it's different times, but sometimes	10:25:37AM
10	10ish.	10:25:40AM
11	Q. So, different times, sometimes 10. Are there	10:25:44AM
12	other times when the editor goes home?	10:25:47AM
13	A. Yes, but let's just say in general I think 10.	10:25:49AM
14	Q. So, in your experience during that two-week	10:25:52AM
15	period the editor was going home at 10?	10:25:55AM
16	A. I think so.	10:25:57AM
17	Q. Who was the editor?	10:25:57AM
18	A. Kathy McLain.	10:25:58AM
19	Q. So, from 10 to 11:30 you say that you were the	10:26:03AM
20	only one on the desk; is that right?	10:26:07AM
21	A. Actually, now that I think of that, I think	10:26:12AM
22	that was mainly on weekends. I think that -- I think that	10:26:14AM
23	the editor during the weekdays might be there until the	10:26:17AM
24	end. Yeah, weekends, sorry about that.	10:26:21AM
25	Q. It's okay.	10:26:32AM

1 Q. So, can I -- let me -- tell me if this is a 10:29:31AM
2 fair summing up of this. That, in your view, the evening 10:29:35AM
3 shift on the Metro desk does not require much journalistic 10:29:39AM
4 talent or experience; is that correct? 10:29:43AM

5 A. I don't know that I'd state it that way, but -- 10:29:46AM
6 journalistic talent and experience might help, but it's 10:29:49AM
7 certainly not a job that requires the expertise of a 10:29:54AM
8 senior reporter. 10:29:58AM

9 Q. Did you feel like the job was below you? 10:30:00AM

10 A. Well, I don't know that I would agree with your 10:30:06AM
11 phrasing of that. I didn't think it was an appropriate 10:30:10AM
12 job for my skills. 10:30:14AM

13 Q. Did you feel like your talent would be wasted 10:30:25AM
14 on the evening shift? 10:30:28AM

15 A. Of course. 10:30:31AM

16 Q. So, during that two-week period when you were 10:30:44AM
17 working on the evening shift, were there some nights that 10:30:47AM
18 were busier than other nights? 10:30:50AM

19 A. Yes, there's an ebb and flow to it. There is 10:30:52AM
20 some downtime, but it's punctuated with completely 10:30:55AM
21 unpredictable events, so whatever the downtime is, you 10:30:58AM
22 don't know how long it's going to last. You can't really 10:31:02AM
23 -- you can't really start any work that you expect to 10:31:05AM
24 finish because you could be called out to go to a crime 10:31:09AM
25 scene or anything that happens. It's completely 10:31:13AM

1 unpredictable. So, yes, there were some quiet nights or 10:31:17AM
2 quiet portions of nights, but you never know. It's the 10:31:21AM
3 kind of intermittent feedback, which is the psychological 10:31:25AM
4 term, intermittent feedback, which has been proven to 10:31:29AM
5 drive lab rats insane. 10:31:33AM

6 Q. Okay. I'll get to that in a minute. 10:31:36AM

7 A. We're going to talk about lab rats today? You 10:31:38AM
8 made me cough. 10:31:41AM

9 Q. So, during the two-week period that you were on 10:31:42AM
10 the night shift or the evening shift, did you ever -- were 10:31:45AM
11 you ever called out to a crime scene? 10:31:48AM

12 A. I don't recall the specifics of that two weeks 10:31:49AM
13 any greater than I do any other night shift that I had. I 10:31:54AM
14 recall that the cumulative stress of that two weeks left 10:32:00AM
15 me an utter wreck at the end of it. 10:32:03AM

16 Q. So, again, I'm going to remind you to try to 10:32:06AM
17 focus on the question that I'm asking and answer it. The 10:32:08AM
18 question was, do you recall being called out to a crime 10:32:11AM
19 scene during the two weeks that you were covering Charles 10:32:14AM
20 Brown? 10:32:16AM

21 A. I don't recall that specifically now, but that 10:32:16AM
22 doesn't mean that it didn't happen. 10:32:18AM

23 Q. Do you recall being called out of the office, 10:32:20AM
24 having to leave The Seattle Times to go cover something 10:32:22AM
25 during the two weeks that you were there? 10:32:25AM

1 A. I don't recall the specifics, but it's highly 10:32:26AM

2 possible and likely that it happened. 10:32:29AM

3 Q. But you don't have any recollection of actually 10:32:30AM

4 being on the night shift, having to leave The Seattle 10:32:33AM

5 Times, and going and covering a story? 10:32:35AM

6 A. I didn't keep notes at the time. 10:32:37AM

7 Q. So, you don't recall? 10:32:39AM

8 A. No. But it's more than likely that it 10:32:41AM

9 happened. The odds of -- I can answer the question 10:32:52AM

10 further. The odds of my just sitting in that building for 10:32:54AM

11 two straight weeks on that night shift are approximately 10:32:59AM

12 zero. 10:33:02AM

13 Q. Do you know whether the editor -- well, let me 10:33:14AM

14 strike that. 10:33:17AM

15 During the two weeks that you were covering the 10:33:18AM

16 night shift, did the editor, to your recollection, ever go 10:33:20AM

17 out to cover a story? 10:33:23AM

18 A. I don't think so. 10:33:25AM

19 Q. So, when you were a general assignment reporter 10:33:30AM

20 during the day shift on the Metro desk, you would have to 10:33:35AM

21 go out and cover stories on an unpredictable basis; is 10:33:38AM

22 that correct? 10:33:46AM

23 A. It was -- I don't think that's my phone. I 10:33:46AM

24 think there was a little bit more planning permitted, and 10:33:49AM

25 it wasn't -- it wasn't as abrupt and unpredictable. 10:33:52AM

1 that. 11:02:21AM

2 Did you and Matt Kreamer go out for coffee very 11:02:22AM

3 often? 11:02:24AM

4 A. Yeah. 11:02:24AM

5 Q. Do you remember during one of those coffee 11:02:25AM

6 sessions or more than one of those coffee sessions talking 11:02:27AM

7 about how you were unhappy at Metro desk? 11:02:30AM

8 A. Well, that probably would have come up fairly 11:02:34AM

9 often because I was always pitching work that was more 11:02:37AM

10 appropriate to my demonstrated skills and seniority. 11:02:42AM

11 Q. So, the fact that you were pitching work would 11:02:47AM

12 have led you to communicate to Matt Kreamer that you were 11:02:50AM

13 unhappy? 11:02:53AM

14 A. Well, no, I would just always be -- well, I 11:02:53AM

15 would always be suggesting things that I thought that 11:02:56AM

16 could be a better fit, that would work better, that would 11:03:00AM

17 be good stories, and that kind of thing. I didn't go take 11:03:04AM

18 a crying towel with me to our coffee sessions if that's 11:03:07AM

19 what you're suggesting. 11:03:10AM

20 Q. I'm asking questions. I'm not suggesting 11:03:11AM

21 anything. I'm just trying to understand whether you told 11:03:13AM

22 Kreamer that you were unhappy on the Metro desk? 11:03:15AM

23 A. I very well may have been, and I may have told 11:03:19AM

24 him that, but I don't recall specifically a time when we 11:03:22AM

25 were at coffee when I said, "Matt, I'm unhappy on the 11:03:28AM

1	Metro desk."	11:03:31AM
2	Q. Do you remember a time when you and Matt	11:03:33AM
3	Kreamer were at coffee where Matt told you that you were	11:03:35AM
4	not meeting expectations on the Metro desk?	11:03:39AM
5	A. No.	11:03:42AM
6	Q. So, you received a performance evaluation in	11:03:46AM
7	the weeks or months before your vacation that took place	11:03:53AM
8	in the summer of 2010; is that correct?	11:03:56AM
9	A. Yes.	
10	Q. So, how soon before you went on vacation did	11:03:59AM
11	you receive that performance evaluation?	11:04:02AM
12	A. I'd have to have the evaluation sitting in	11:04:04AM
13	front of me for the exact date, but it was -- you know, it	11:04:07AM
14	was in the spring of that year.	11:04:10AM
15	(Exhibit 2 marked.)	11:04:47AM
16	Q. The court reporter's handed you what's been	11:04:47AM
17	marked as Exhibit 2, entitled "Performance Evaluation for	11:04:50AM
18	Mark Rahner, 2010 Reporter Evaluation." Do you recall	11:04:53AM
19	receiving this document?	11:04:59AM
20	A. It certainly looks familiar, yes.	11:05:00AM
21	Q. Did you review this document in preparation for	11:05:03AM
22	your deposition?	11:05:07AM
23	A. No, I didn't.	11:05:08AM
24	Q. So, this is the evaluation that we were talking	11:05:14AM
25	about that you received before you went on vacation in the	11:05:16AM

1 summer of 2010 and didn't return to work; is that correct? 11:05:20AM
 2 A. Yes.
 3 Q. This notes that your supervisor is Matt 11:05:25AM
 4 Kreamer. Do you remember who delivered this evaluation to 11:05:30AM
 5 you? 11:05:34AM
 6 A. Kreamer did. 11:05:34AM
 7 Q. Was anybody else in the meeting? 11:05:39AM
 8 A. No. 11:05:42AM
 9 Q. So, tell me about the performance evaluation 11:05:57AM
 10 meeting with Matt Kreamer. 11:06:02AM
 11 A. Sure. It was preposterous. 11:06:03AM
 12 Q. Tell me about when it occurred. 11:06:06AM
 13 A. Didn't we already cover that? What do you 11:06:09AM
 14 mean, when it occurred? 11:06:11AM
 15 Q. Like what time of day, sorry. 11:06:13AM
 16 A. Oh, I don't recall what time of day. 11:06:15AM
 17 Q. Where did it occur? 11:06:16AM
 18 A. In the fishbowl office in the newsroom. 11:06:17AM
 19 Q. I think you said it was just you and Matt 11:06:23AM
 20 Kreamer -- 11:06:27AM
 21 A. That's what I said. 11:06:27AM
 22 Q. -- present? How long did the meeting last? 11:06:28AM
 23 A. I don't know. 11:06:31AM
 24 Q. 10 minutes, half hour, hour? 11:06:31AM
 25 A. Oh, between 10 minutes and a half hour. It 11:06:35AM

1 evaluation in the section that talks about what you needed 11:09:26AM
2 to improve that you felt was constructive feedback that 11:09:30AM
3 you would try to improve upon? 11:09:36AM

4 A. None of it was constructive. It was all a 11:09:37AM
5 hatchet job. But show me specifically the portion you're 11:09:40AM
6 talking about. 11:09:43AM

7 Q. I'm talking about the section, number 4, 11:09:43AM
8 starting on the second page of Exhibit 2, ST000227. 11:09:45AM

9 A. Give me a second to reread it. Okay. So, 11:09:53AM
10 I've just reread that one paragraph. Go ahead and ask me 11:10:28AM
11 your question again. 11:10:32AM

12 Q. My question is, in section 4 and then there's 11:10:33AM
13 an area that says goals for next year and how to 11:10:36AM
14 accomplish them, is there anything that you took out of 11:10:39AM
15 this evaluation that you felt like that was constructive 11:10:41AM
16 feedback that you would try to work on or improve? 11:10:47AM

17 A. It wasn't meant to be constructive, and I 11:10:48AM
18 didn't take it that way. It was meant to cut me down and 11:10:51AM
19 falsely assert that I'd been a far worse employee than I'd 11:10:54AM
20 been. I didn't take it seriously in the slightest. It 11:11:01AM
21 was laughable. 11:11:04AM

22 Q. Okay, we can set it aside. 11:11:05AM

23 A. I mean, we can go through it point by point if 11:11:07AM
24 you'd like, but it was truly absurd. 11:11:10AM

25 Q. My question was, was there anything in that 11:11:13AM

1 to what extent you provided feedback on it? 11:13:15AM

2 A. Well, I signed off on it. 11:13:18AM

3 Q. Do you remember whether you made changes to it? 11:13:19AM

4 A. There may have been some fine-tuning. I don't 11:13:22AM

5 recall specifics. 11:13:25AM

6 MR. LINN: And I'll instruct you not to provide 11:13:26AM

7 any specifics about what we actually discussed. 11:13:28AM

8 THE WITNESS: Got you. 11:13:31AM

9 Q. So, you have a claim in this lawsuit for 11:13:43AM

10 hostile work environment on the basis of your disability. 11:13:48AM

11 A. Quite so. 11:13:52AM

12 Q. So, do you claim that you were subjected to 11:13:53AM

13 hostile work environment at The Seattle Times Company? 11:13:56AM

14 A. Very much so. 11:13:59AM

15 Q. On the basis of your alleged disability of 11:14:01AM

16 chronic fatigue syndrome? 11:14:05AM

17 A. Yes.

18 Q. On any other basis? 11:14:10AM

19 A. Well, they didn't like me, but let's stick with 11:14:13AM

20 the chronic fatigue. 11:14:16AM

21 Q. What is it that anyone at The Seattle Times 11:14:18AM

22 Company did or did not do that you believe created a 11:14:21AM

23 hostile work environment? I'm asking for specifics. 11:14:24AM

24 A. They tried to assign me to a position that was 11:14:29AM

25 going to worsen my health when they knew it as a punitive 11:14:31AM

1 measure for disliking me and a blatant attempt to drive me 11:14:35AM
2 out because they knew that it was unfeasible for me to 11:14:39AM
3 maintain that job. 11:14:46AM

4 Q. Is there anything else that anyone at The 11:14:51AM
5 Seattle Times Company did or did not do to you that you 11:14:54AM
6 believe is a hostile work environment? 11:14:58AM

7 A. Sure. Even though I repeatedly described the 11:15:00AM
8 chronic fatigue to my managers and provided them with 11:15:04AM
9 medical documentation of it, and I'm talking about 11:15:08AM
10 Kreamer, Higgins, and Boardman, they all repeatedly just 11:15:11AM
11 kept telling me that I didn't like mornings. 11:15:16AM

12 Q. So, this was Kreamer, Higgins, and Boardman? 11:15:23AM

13 A. Yes. I don't mean to leave Suki out. But I 11:15:28AM
14 just can't recall specifically if she ever said that. 11:15:33AM

15 Q. Is there anything else that anyone at The 11:15:37AM
16 Seattle Times Company did or did not do that you believe 11:15:40AM
17 created a hostile work environment other than what you 11:15:43AM
18 just described? 11:15:46AM

19 A. Well, they refused to make any reasonable 11:15:47AM
20 accommodation for my worsening ongoing sickness and 11:15:50AM
21 finally they made a move to worsen it. 11:15:55AM

22 Q. We'll talk about the reasonable accommodation. 11:16:01AM
23 Because you have different claims here. You have a 11:16:05AM
24 hostile work environment claim, you have a reasonable 11:16:07AM
25 accommodation claim, and you also have a disability 11:16:09AM

1 discrimination claim. 11:16:12AM

2 A. So, we're on the hostile work environment. 11:16:13AM

3 Tell me what else I can answer about that. 11:16:15AM

4 Q. I want to understand what it is you believe 11:16:18AM

5 created a work environment that rose to the level of being 11:16:20AM

6 a hostile work environment on the basis of your 11:16:23AM

7 disability. You've described two things. One is the 11:16:26AM

8 assignment to the evening shift, and the second is -- are 11:16:28AM

9 the comments about your not liking mornings. Is there 11:16:32AM

10 anything else? 11:16:37AM

11 A. Well, after I communicated numerous times the 11:16:37AM

12 problems I was having and my need for them to help me out 11:16:43AM

13 -- I mean, there were months that went by when not only 11:16:48AM

14 would they not do anything to help, but they would keep on 11:16:55AM

15 complaining about the situation while not doing anything 11:17:00AM

16 to help. That didn't sound very clear, but -- 11:17:05AM

17 Q. No, I'm not sure I understand what it is you're 11:17:09AM

18 referring to. 11:17:11AM

19 A. After I told them numerous times about the 11:17:12AM

20 chronic fatigue I was suffering, I -- I tried to come up 11:17:16AM

21 with solutions to deal with it, and not only would they 11:17:25AM

22 not consider any solutions to deal with it, every time I, 11:17:29AM

23 say, would come in later than usual or would have to go 11:17:36AM

24 and crash in my car because I couldn't keep my eyes open 11:17:39AM

25 or something like that, they would keep on running through 11:17:42AM

1 the same mill of complaining and not doing anything about 11:17:45AM

2 it. 11:17:50AM

3 Q. Complaining about your not being at work during 11:17:51AM

4 your scheduled hours? 11:17:55AM

5 A. You know, even though very, very few of the 11:17:57AM

6 reporters in that building keep a very strict schedule, if 11:18:01AM

7 I didn't -- if I wasn't there right at 9 o'clock, you 11:18:05AM

8 know, there would be words about that, and I would say, 11:18:11AM

9 "Listen, we have to do something about this, because it's 11:18:14AM

10 an ongoing problem," and -- but it was just, you know, the 11:18:17AM

11 same thing again and again. 11:18:22AM

12 Q. So, is there anything other than what you -- 11:18:24AM

13 the three things you've just described that you believe 11:18:26AM

14 constituted a hostile work environment at The Seattle 11:18:29AM

15 Times? 11:18:33AM

16 A. Sometimes when I came in, John de Leon would 11:18:33AM

17 shout, "Hey, look everybody, Rahner's here," which was 11:18:37AM

18 quite embarrassing. 11:18:42AM

19 Q. And John is a reporter? 11:18:44AM

20 A. He's an editor. He's an authority figure. 11:18:44AM

21 Q. How many times did that happen? 11:18:51AM

22 A. It happened routinely. 11:18:52AM

23 Q. Once a week, once a month, once a day? 11:18:55AM

24 A. Surely more than once a week, but less than 11:18:59AM

25 once a day. It was all the time and it was an ongoing 11:19:03AM

1 different job. It was a massively different job. 11:23:30AM

2 Q. Any other -- anything else on which you base 11:23:43AM

3 your belief that the assignment to the evening shift was 11:23:47AM

4 done to create a hostile work environment? 11:23:51AM

5 A. Well, the context of Kreamer constantly telling 11:23:54AM

6 me how much Higgins hated me, it was fairly obvious that I 11:23:57AM

7 was being punished. 11:24:01AM

8 Q. So, tell me more about that. You said that 11:24:03AM

9 Higgins hated you. Was that something that you 11:24:07AM

10 experienced -- well, let me strike that. 11:24:10AM

11 You said that Kreamer told you Higgins hated 11:24:13AM

12 you. 11:24:17AM

13 A. Constantly. 11:24:18AM

14 Q. When was the first time Kreamer told you? 11:24:18AM

15 A. I don't know the first time because it was 11:24:20AM

16 constant. 11:24:23AM

17 Q. So, from the outset of your assignment to the 11:24:24AM

18 Metro desk did you feel like Higgins hated you? 11:24:27AM

19 A. Not too long after that, and it wasn't a matter 11:24:29AM

20 of feeling. It was a matter of being explicitly told 11:24:32AM

21 that. Kreamer would come out of meetings routinely with 11:24:35AM

22 Higgins and say to me, "Man, I don't know what it is, but 11:24:38AM

23 Higgins has a real hard on for you" constantly. 11:24:41AM

24 Q. Was there anything else on which you base your 11:25:01AM

25 belief that the assignment to the evening shift was a 11:25:04AM

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1 Q. You can set it aside. I'll ask you another 12:54:51PM
2 question. 12:54:54PM

3 How did chronic fatigue affect you during the 12:55:32PM
4 time that you were working at The Seattle Times? Describe 12:55:39PM
5 for me sort of what was the effect of that syndrome or 12:55:42PM
6 that condition. 12:55:47PM

7 A. It was a very specific feeling. It was like a 12:55:47PM
8 lead blanket. It was like -- it wasn't just like being 12:55:50PM
9 tired. It was like how you would imagine kryptonite felt. 12:55:53PM
10 It was random. I didn't know what triggered it. And I 12:55:59PM
11 never knew how long it was going to last. It could be a 12:56:05PM
12 few minutes, hours. It could be a whole day. It was very 12:56:09PM
13 frustrating. But the term I used over and over again 12:56:13PM
14 describing it to everybody, it just feels like a lead 12:56:17PM
15 blanket. My eyes would get heavy and sunken, and I 12:56:22PM
16 couldn't focus, it was hard to concentrate. And it 12:56:25PM
17 wouldn't pass on its own without whatever degree of sleep 12:56:29PM
18 was needed at the time. I felt weak, physically weak. 12:56:33PM
19 During these times I would try to force myself to get 12:56:44PM
20 exercise and I could easily have fallen asleep in between 12:56:48PM
21 sets. I mean, it was just -- it was debilitating. 12:56:54PM

22 Q. Okay. How did it affect your energy level in 12:56:59PM
23 the morning? 12:57:07PM

24 A. There was no energy level. It was -- it was 12:57:09PM
25 very difficult. 12:57:13PM